

## CHAPTER 21

### NUISANCES

#### Section 1 General

Section 1: Violation of sections of Chapter 21 may be enforced in the manner provided in Massachusetts General Law, Ch. 40, § 21-D; unless otherwise noted, the Police Chief or its designee shall be deemed the Enforcing Person and the specific penalty which is to apply for violations of the specific section shall be listed in that section.

Section 2: All sections and subsections of this By-law shall be considered separable so that if any should at some time be found void or unenforceable by a court of law, the remainder shall remain in full force and effect.

#### All Public Areas

Section 3: No person shall place or cause to be placed in any public place, street, or private way, or in any running stream or body of water, dirt, rubbish, wood, timber or other materials tending to cause obstruction nor deposit ashes, garbage, waste, paper, carrion, filth, or offal, except in such places as shall be permitted by the Board of Health. ~~Violation of this section may be enforced in the manner provided in Massachusetts General Law, Ch. 40, § 21-D; for the purpose of this By-law section the~~The specific penalty which is to apply for violations of this section shall be as listed below and the Health Officer and/or Police ~~Officers~~Chief or its designee shall be deemed to be the Enforcing Person.

Penalty:           1<sup>st</sup> Offense – Written Warning  
                      2<sup>nd</sup> Offense - \$ 50.00  
                      3<sup>rd</sup> Offense - \$100.00  
                      And each day thereafter.

Section 64: No person shall bathe, swim in any waters within the town in a state of nudity in places exposed to public view, or in the immediate site of the occupant or occupants of any dwelling house, shop, factory, under a penalty of ~~not less than one dollar (\$1) nor more than three hundred fifty~~ dollars (~~\$300~~50) for each offense.

Section 135: No person shall resort to or frequent any schoolhouse grounds or enclosure in the Town to interfere with or annoy any persons lawfully using or enjoying same; nor shall any person resort to or frequent any public cemetery or graveyard in the Town and there engage in or be present at any game of cards or other sport, or lounge or loiter therein to the annoyance or interference of persons properly visiting or resorting to said places, under penalty of ~~not less than five dollars (\$5) nor more than three~~one hundred dollars (~~\$300~~100) for each offense.

#### All Public Ways

#### Section 26:

**A:** No person shall construct or maintain any drain or conduit carrying polluted water from any house, shop or other building, or from any vault, cesspool, cistern, to or upon any street or way so as to discharge water or other matter in or upon any such street or way except when permitted in writing to do so by the Board of Health, under a penalty of three hundred dollars (\$300). The Health Officer and/or Police Chief and its designee shall be deemed to be the Enforcing Person.

**Section 3B:** Whoever violates the provisions of the ~~preceeding~~this section and allows any material so placed to remain in such public place, street, or private way for more than twenty-four hours, shall be liable to line penalty for each additional day thereafter, during which he shall suffer such material to remain in such public place, street or private way.

**Section 47:** No person shall pasture or tether any animal in any street in the Town in such a manner as to obstruct the street or sidewalk under penalty of ~~not less than twofifty~~ dollars ~~(\$2) nor more than three hundred dollars (\$300)~~50.

**Section 58:** No person, except an authorized agent of a town department, shall break or dig up or aid in breaking or digging up the ground in any street or square in the Town without a permit from the Select Board, under a penalty of ~~not less than two dollars (\$2) nor more than three hundred dollars (\$300)~~ for each offense. The DPW or an authorized agent of DPW and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

~~**Section 7:** No person shall make any indecent figure or write any indecent or obscene words upon any fence, building or structure in any public place or upon any sidewalk or wall under a penalty of not less than two dollars (\$2) nor more than three hundred dollars (\$300) for each offense.~~

~~**Section 8:** No person, unless required by law to do so, shall make any marks, letters or figures of any kind, or place any sign of advertisements or placard upon or against any wall, fence post, ledge, stone, tree, building, sidewalk or structure in or upon any street in this town without the permission of the owner thereof under penalty of not less than two dollars (\$2) nor more than three hundred dollars (\$300) for each offense.~~

#### **Section 9:**

**A.** No person shall throw stones, snowballs, sticks or other ~~missiles~~projectiles nor kick a football, nor play any game in which a ball is used, nor fly any kite or balloon, nor shoot with or use a bow and arrow, ~~gun~~firearm, air-gun, or sling, in or across any of the public ways of the Town;

**B.** nor obstruct any street in the Town;

**C.** nor take hold of, nor ride upon, the hind part of any carriage, or other vehicles, ~~without leave;~~

**D.** nor join in any assemblage or group in the street, or on any sidewalk in town to the annoyance of passengers, or so as to obstruct the free passage of passengers; without a permit;

- ~~A. E.~~ nor drive, wheel or draw any coach, cart, or other carriage of burden or pleasure, except children's carriages drawn by hand upon any sidewalk in the Town, ~~nor drive or permit any horse under his care to go, or stand upon any sidewalk in the Town; or to stand on any crosswalk; nor use any profane, indecent or insulting language in any street or other public place in the Town, or near any dwelling house or other buildings therein nor be or remain upon any doorstep, portico, or other step or projection of any such building or house under a penalty of not less than one dollar (\$1) nor more than three hundred dollars (\$300) for each offense.~~
- F. under a penalty of twenty dollars (\$20) for each offense.

**Section 10:** No person shall coast or skateboard upon any sidewalk inside of the business district, street, public way or any other Town owned land except such areas as designated by the Select Board each year through public notice. ~~and the Assabet River Rail Trail. Persons shall be permitted to coast or skateboard upon any sidewalk outside of the business district but shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.~~ Penalty for each offense as cited by the Maynard Police Department shall be ~~not more than three hundred~~twenty dollars (\$~~300~~20).

**Section 11:** No person shall operate a motorized scooter, motorized skateboard, other similar motorized vehicle on any public way, sidewalk, playground, or on any property owned by the Town of Maynard. The following vehicles shall be exempt from the provisions of this By-law, unless operating in an unsafe manner:

- A. Vehicles registered and/or licensed by the Commonwealth of Massachusetts as motor vehicles
- B. Vehicles used by handicapped persons, ~~and~~
- C. Landscaping equipment
- D. Golf Carts only on the Maynard Golf Course property.

Penalty for each offense as cited by the Maynard Police Department shall be ~~not more than three~~one hundred dollars (\$~~300~~100) for each offense.

**Section 12:** ~~Said streets~~Streets may be blocked or protected by barriers and any unauthorized person or persons moving such barriers shall be subject to a fine of ~~not more than~~ three hundred dollars (\$300) for each offense.

**Section 1513:** No person shall move or assist in moving any building over any public street or way ~~which this Town is obliged to keep in repair~~ without written permit of the Select Board being first obtained, or having obtained such permit, without complying with the restrictions and provisions thereof, under a penalty of ~~not less than two dollars (\$2) nor more than~~ three hundred dollars (\$300) for each offense.

**Section 1814:** Any person, who intends to erect, alter, repair or take down any building, or part thereof, on land abutting on any street or public place in this Town and desires to make use of such street or place for the purpose of placing thereon building materials or rubbish,

shall give notice thereof to the Select Board. Thereupon the Select Board may grant a permit to occupy such a portion thereof to be used for such purposes as in their judgment the necessity of the case demands and the security of the public allows; such a permit to run for not longer than sixty (60) days and to be on such conditions, and by furnishing such security, by bond, or otherwise, for the observance and performance of the conditions and for the protection of the Town, as the Select Board may require and especially in every case upon conditions that during the whole of every night, from sunset in the evening until sunrise in the morning, proper lights shall be placed as effectively to secure all travelers from liability to injury. Such permits may be renewed at the discretion of the Select Board. Whoever violates the provisions of this section shall be liable to a penalty of ~~not less than five dollars (\$5) nor more than~~ three hundred dollars (\$300) for each offense. The Building Commissioner or its designee and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

**Section 1915:** No person or persons shall place or cause to be placed in or on any public street, or sidewalk, snow which may be a hindrance to pedestrians or vehicular traffic. Whoever violates the provisions of this section shall be liable to a penalty ~~of not more than three hundred dollars (\$300) for each offense~~ listed below.

Penalty:                    1<sup>st</sup> Offense – \$100.00  
                                      2<sup>nd</sup> Offense - \$200.00  
                                      3<sup>rd</sup> Offense - \$300.00  
                                      And each offense thereafter

**Section 2016:** The ~~Superintendent of the Department~~Director of Public Works or other officer having charge of ways, for the purpose of removing or plowing snow or removing ice from any way, is hereby authorized to remove or cause to be removed to some convenient place, including in such term of public garage, any vehicle interfering with such work, and the cost of such removal and of the storage charges, if any, resulting there from, shall be borne by the owner of such vehicle. The Director of Public Works or its designee and/or the Police Chief or its designee shall be deemed to be the Enforcing Person.

**Section 2517:**

A. No person shall ride a bicycle, moped, motorized bicycle or motorcycle on any sidewalk in the Town of Maynard. ~~Except, except~~ that a bicycle may be ridden on a sidewalk outside of the business district when necessary in the interest of safety but shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian. Class-2 electric bicycles are allowed on the Assabet River Rail Trail. Any person who violates the provisions of this ~~chapter~~section shall be punished by a fine of ~~not more than three hundred~~twenty dollars (~~\$300~~20) for each violation. A bicycle operated by a person under the age of eighteen (18) years in violation of this section may be impounded by the Police Department for period not to exceed fifteen (15) days.

B. Operation of bicycles on public ways shall be subject to the following regulations:

1. ~~The operator~~Operators riding together shall not ride more than two abreast but must ride single file on any way except when to facilitate passing traffic.
2. The operator shall not ride other than or astride a permanent and regular seat attached to the bicycle, ~~except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the person securely in the seat and that protection is provided against the feet of said person hitting the spokes of the wheel of the bicycle.~~
3. ~~The operator shall park his~~3. The operator may not carry a passenger anywhere on their bicycle except on permanent and regular seat attached to the bicycle or in a trailer towed by the bicycle, or except as noted in 4 below
4. The operator may not carry any child between the ages of 1 to 4, or weighing 40 pounds or less, anywhere on a single-passenger bicycle except in a baby seat attached to the bicycle. The child must be able to sit upright in the seat and must be held in the seat by a harness or seat belt. Their hands and feet must be out of reach of the wheel spokes.
5. The operator may not carry any child under the age of 1 on a bicycle, even in a baby seat; this does not preclude carrying an infant in a trailer.
6. The operator shall park its bicycle upon a way or sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.
47. The operator shall not permit ~~his~~the bicycle to be drawn by any other vehicle. The operator shall not tow any other vehicle or person, except for a trailer designed for such purpose.
58. The operator shall not carry any package, bundle, or article except in or on a basket, rack, trailer, or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.
69. No bicycle shall be operated in a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle is prohibited.
710. No person shall operate a bicycle upon any street or way in such a manner as to obstruct vehicles using the street or way.

### Public Ways Sidewalks

~~**Section 14:** No person shall place over any sidewalk any awning, shade or signboard less than seven (7) feet from the ground at the lowest part, nor construct or maintain any awning, shade or signboard extending beyond the line of the sidewalk, and for any offense against this By law an offender shall pay a fine of no more than three hundred dollars (\$300).~~

**Section 1618:** In its sole discretion, the Select Board may grant a license to a business establishment for the temporary use of a portion of a sidewalk immediately adjoining that business establishment. The Board may adopt reasonable rules and regulations related to the issuance of such license, including fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

**Section 1719:**

- A. In its sole discretion, the Select Board may grant a license to an establishment operated for the sale of food or beverages, either alcoholic or non-alcoholic, to place one or more tables on a portion of a sidewalk immediately adjoining that business establishment, such tables to be used only for the use and enjoyment of its business clientele. Any such license shall be granted upon such terms and conditions as the Board may impose, including the designation of a sidewalk area with which all tables must be located.
- B. Any such license shall have duration of no more than one year from the date of issue and may restrict the location of such tables on a sidewalk to designated periods of time during the license period. Any business establishment placing tables on any sidewalk without first being licensed by the Board shall be in violation of this By-law and assessed a penalty of one hundred dollars (\$100) for each offense.
- C. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

### Unregistered Motor Vehicles

#### **Section 2120:**

- A. Unregistered motor vehicles which are unfit for use, permanently disabled or have been dismantled, or are otherwise inoperative, shall not be stored, parked, or placed upon any land in the Town unless the same shall be within a building or in an area unexposed to the view of the public and abutters or in an area properly approved for the keeping of same by licensed junk dealers and automobile dealers. The fine for any violation of the provisions of this By-law shall be ~~not less than ten dollars (\$10)~~ ~~nor more than three~~one hundred dollars (~~\$300~~100) for each offense. Each day that such violation continues shall constitute a separate offense.

#### **Section 22:**

D.B. Each owner or person responsible for the presence of a motor vehicle described in Section ~~2121A~~, excepting there from any motor vehicle with intrinsic value as an Antique Motor Car, as defined in the Massachusetts General Law, Ch. 90, § 1, shall be subject to the following procedure regarding removal or enclosure of such motor vehicle:

1. Any resident of the Town of Maynard who wishes to file a formal written complaint regarding the presence of such motor vehicle on property located within the Town of Maynard must file such complaint with the Select Board and shall be granted a hearing before the Select Board within fourteen (14) days of receipt of the written complaint.
2. The Select Board shall make a final decision based upon matters presented at such hearing and may, at their option, require or order any one or more of the following:

- a. That the owner or person responsible be compelled to remove the motor vehicle from the premises within a stated period.
- b. That the owner or person responsible places the motor vehicle within a proper enclosure suitable to remove it from public view.
- c. Any further remedy that may be justified by the circumstances presented at the time of the hearing.

**E.C.** In the event of non-compliance with an order or directive of the Select Board within five (5) days of receipt of such order by the owner or person responsible, the Police Department shall be authorized to tow or remove the subject motor vehicle by whatever means necessary at the expense of such person.

### **Unattended Motor Vehicles**

#### **Section 2421:**

- A.** No person shall leave unattended any motor vehicle so that any portion of said vehicle is on or protruded over or within the limits of a private way, furnishing means of access for fire apparatus to any building.
- B.** For the purpose of this By-law only, the registered owner shall be considered the person responsible for leaving such vehicle unattended, unless it is otherwise determined that another identified person did so because the vehicle is unattended.
- C.** Notwithstanding any other provision of the By-law the Town of Maynard, to the contrary, any person violating this By-law shall be punished by a fine ~~not to exceed~~of three hundred dollars (\$300).
- ~~A. Paragraph (S. 24 B) of the aforesaid By-law shall be considered separable so that if it should at some time be found void or unenforceable by a court of law, the remainder shall remain in full force and effect.~~

### **Minimum Property Standards of Residential Properties**

#### **Section 2322:**

- A. Authority and Purpose.** Pursuant to the general powers granted to cities and towns by Article 89 of the Amendments to the Massachusetts Constitution, and the specific powers granted by Massachusetts General Law, Ch. 139, § 1-3A, this By-law is adopted for the prevention of future nuisances and the removal of existing nuisances within the Town, which nuisances constitute a hazard or blight, or adversely affect property values.
- B. Definitions**
  - Blight -Any condition seriously impairing the value, integrity, strength, durability, or appearance of real property.

Building -A structure, whether portable or fixed, with exterior walls or firewalls and a roof, built, erected, or framed of a combination of any materials, to form shelter for persons, animals, or property. See “structure” below.

Dilapidated - In a condition of decay or partial ruin by reason of neglect, misuse, or deterioration. The term includes, but is not limited to:

Having deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken or inadequately secured windows or doors;

Having defective weather protection (e.g., paint) for exterior wall coverings; deleterious weathering due to lack of such paint or other protective covering.

Interested Parties - In connection with the notification requirements of this By-law, interested parties are the Building Commissioner, the owner(s) of property which is subject of a hearing; owners of land directly opposite the subject property on any public or private street or way, abutters of the subject property, and abutters of abutters within 300 feet of the property line of the subject property. Ownership of land shall be determined by the most recent tax list.

Nuisances - Any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures and neighborhoods, when such interference results from the hazardous or blighted condition of private real property. Specific conditions which may be characterized as nuisances may include, but shall not be limited to:

- (a) burnt structures not otherwise lawfully habitable or usable
- (b) dilapidated structures
- (c) dangerous or unsafe structures
- (d) overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values
- (e) dead, decayed, diseased, or hazardous trees, debris, or trash

Owner - The person with the record title to the property, or his authorized agent, assign, or representative.

Structure - A combination of materials assembled at a fixed location to give support or shelter such as a building (see above) framework, retaining wall, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, or mast for an antenna, or the like.

### C. Administration

1. Removal Order. The Building Commissioner shall, on his own initiative or upon written complaint, inspect any condition which may constitute a nuisance. If, in his opinion, the condition does constitute a nuisance, he shall make a written

report to the remedial action, and shall file a copy of the petition with the Town Clerk.

2. Upon receipt of such petition and report, the Select Board shall set a date for a hearing before said Board, not more than 30 days after the date of filing of the petition with the Town Clerk. Notice of said hearing shall be posted, published, and sent to interested parties not less than 14 days before the date of said hearing. Notice of the hearing shall state the subject matter sufficient for proper identification and the date, time, and place of hearing and shall be made in the following manner:

- a. Posting of the notice on the property on which the alleged nuisance exists.
- b. Publication of the notice in a newspaper of general circulation in the Town of Maynard.
- c. Mailings by regular mail, postage prepaid, to the addresses of interested parties. Within seven days of the hearing, the Select Board shall determine whether or not the condition constitutes a nuisance, and shall determine what action shall be taken by the owner to remove the nuisance. Such actions may include, but shall not be limited to: demolition or repair of the structure, or the removal of vegetation, trees, debris or trash. The Select Board shall issue a Removal Order to the owner to abate such nuisance within 24 hours after service of the Order or within such other time as it considers reasonable. An owner shall forfeit twenty dollars for every day during which he willfully violates such a Removal Order.

D. Service of Removal Order. In accordance with Massachusetts General Law, Ch. 139, § 1, the Town Clerk shall deliver a copy of the Removal Order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof. Such a Removal Order shall be in writing, and shall be served on the owner in the manner specified by Massachusetts General Law Ch. 111, § 124.

E. Removal of Nuisance by Select Board. If the owner fails to comply with such a Removal Order, the Select Board may cause the nuisance to be removed and all expenses incurred thereby shall constitute a debt due the Town upon completion of the removal and the rendering of an account therefore to the owner, and shall be recoverable from such owner in an action of contract. Any such debt shall constitute a lien on the land upon which the nuisance was located. The Select Board shall follow the procedures relative to liens provided in Massachusetts General Law Ch. 139, § 3A.

F. Appeal to Superior Court. In accordance with Massachusetts General Law, Ch. 139, § 2, a person aggrieved by such an order may appeal to the superior court for the county where such building, property, or structure is situated, if, within three days after the service of the attested copy of the Removal Order upon him, he commences a civil action in such court.